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10 September 1974

MEMORANDUM FOR THE RECORD

SUBJECT: Meeting with Mr. William Harris - Murphy Commission

1. On 5 September 1974 I met with William Harris of the Murphy Commission Staff for approximately one hour. One particular topic he pursued rather fully was the possibility of enacting in law a requirement of the Director to submit his budgetary recommendations for the intelligence community to the appropriate committees of Congress. I indicated that to me such a requirement really does not accomplish very much. In effect he does this now; further, his overview of the community budget was only started in November of 1971 by presidential direction and I am not sure that we have given this enough time to work. Further, OMB obviously could take a much stronger role relying on the Director's recommendations.

2. Harris also raised the question of the desirability of no warrantless electronic surveillance, i.e., the legal requirement that the Agency secure a court order before it may engage in any electronic surveillance in the United States. I told Harris that I disagreed with this both in principle and as a practical matter. I pointed out that the President has the inherent constitutional power to collect foreign intelligence and this is a responsibility that should not be shared with the courts. Further, on the practical point, I indicated that my experience with the courts is that they are simply not attuned to sensitivity of security matters; consequently, applying to the courts for a warrant is a serious degradation of security involving very sensitive operations.

3. Mr. Harris also pursued a line of questions dealing with detaching the entire DDO from CIA and establishing it as a separate body reporting to the DCI in his community role. Harris indicated that this suggestion has been raised in a number of different ways and he wanted to know whether this would require changes in the statute. I responded that depending on how this idea was developed, there might well be legal consequences and possibly legislation would be required. Gratuitously, I offered the suggestion that such a concept at worst would not work, and at best, would be extremely ineffficient.

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4. Harris requested access to appropriate NSCID's and I indicated that of course he or members of the Commission could see them but that we could not furnish him these documents since they were not ours to release. I asked that he make arrangements through the IC Staff for access. [redacted] was present through the entire interview.

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JOHN S. WARNER
General Counsel

cc: OLC

STATINTL [redacted] IC Staff

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